

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOHNNY FLORES, ARIEL GOMEZ, and	)	
DERRICK LEWIS, for themselves and	)	
others similarly situated,	)	
	)	
Plaintiffs,	)	Case No. 1:20-cv-01128
	)	
v.	)	Judge Charles R. Norgle, Sr.
	)	
MOTOROLA SOLUTIONS, INC. and	)	Magistrate Judge Jeffrey I. Cummings
VIGILANT SOLUTIONS, LLC,	)	
	)	
Defendants.	)	

**DECLARATION OF TODD HODNETT IN SUPPORT OF  
DEFENDANTS MOTOROLA SOLUTIONS, INC.'S AND VIGILANT  
SOLUTIONS, LLC'S MOTION FOR SUMMARY JUDGMENT**

I, Todd Hodnett, have personal knowledge of the statements contained in this declaration, and if called to testify, would state as follows:

**Background**

1. In 2008, I founded and became the Chairman of Digital Recognition Network, Inc. ("DRN"). In or about 2014, I founded VaaS International Holdings, Inc. ("VaaS") with Shawn Smith, the President of Vigilant, and Vigilant and DRN became subsidiaries of VaaS. From in or about 2014 to January 2019, I was a Co-President of VaaS. In or about January 2019, Motorola Solutions, Inc. ("Motorola") acquired VaaS and its subsidiaries Vigilant and DRN, and I remained employed with Motorola until May 2021.

2. As a result of my roles at DRN, VaaS, and Motorola, as well as my review of Vigilant's business records, I have personal knowledge of, among other things, Vigilant's business, product and service offerings, and customers.

3. Both before its acquisition by Motorola, and thereafter, Vigilant has specialized in developing technology for law enforcement, public safety, and other government customers. Vigilant's primary business has been and is selling license plate recognition technology to government agencies throughout the United States, including in Illinois.

#### **The Booking Photo Gallery Vigilant Provided to Its Government Customers**

4. Through its license plate recognition business, Vigilant developed strong relationships with many government agencies, including law enforcement customers in Illinois. And as a result of its work for and interactions with government agencies, Vigilant learned that additional technologies—including a large gallery of booking photographs, and tools to quickly and efficiently search through those booking photographs to identify potential matches—would be valuable and of interest to law enforcement, public safety, and other government agencies.

5. To provide a booking photo gallery to its government customers, Vigilant procured publicly available booking photos from third party vendors beginning in Fall 2014. After obtaining these booking photos, Vigilant uploaded the photos to its servers, analyzed the photos to draw information from them in order to be able to search and compare the photos, and added the compiled photos and information into a gallery that government agencies could search probe images against in order to communicate back to such government agencies that a potential match or matches exist (or do not exist) while also communicating the booking photos and associated arrest/conviction information.

#### **The FaceSearch Technology**

6. Vigilant also developed technology to quickly and efficiently search through photos to identify potential matches, including FaceSearch. Vigilant contracted to provide certain government agency customers with access to the booking photo gallery Vigilant had obtained, and

with FaceSearch to search through that gallery. Using those technologies together, a government agency could compare a “probe image” (*e.g.*, an image of a robbery suspect) with the publicly available booking photos contained in the booking photo gallery. In addition to the booking photo gallery that Vigilant provided to its government customers, a government agency could create its own “gallery” to be searched, by uploading images it selects (such as its own county booking photos). FaceSearch performs that comparison by analyzing and comparing certain facial characteristics of the subjects in the probe images and in the gallery (or galleries) being searched. In performing its comparisons, FaceSearch only uses information that is shown in the photo itself. FaceSearch does not use any information about a person’s face that is not contained in the photo itself.

7. In response to a search of the booking photo gallery performed by a government agency, FaceSearch communicates potential matches, confidence intervals indicating the strength of the matches, and available arrest/conviction information (*i.e.*, name, DOB, and jurisdiction creating the booking photo) back to the government agency.

8. During the time of my employment with VaaS and Motorola, neither Vigilant nor Motorola contracted with anyone other than government agencies to provide access to the booking photo gallery. Government agencies can, and do, use their access to the booking photo gallery assembled by Vigilant for a variety of investigative activities, including identifying potential crime suspects, victims, senior citizens with dementia and/or other individuals with other mental disorders that prevent the person from identifying who they are to the government agency.

9. Vigilant has been a government contractor providing government agencies in Illinois with FaceSearch and the ability to search a booking photo gallery since 2014. For example, in a contract dated September 25, 2014, the Wilmette Police Department (“Wilmette PD”)

contracted to purchase a software package from Vigilant that included access to “FaceSearch facial recognition,” the ability to search a “Facial Recognition gallery,” and ongoing “software upgrades” and “utilities released within the product evolution.” Vigilant also had similar contracts to provide those services to government agencies outside Illinois, such as a contract with the Beaumont, California Police Department dated June 24, 2014 to provide “FaceSearch Hosted Facial Recognition” among other products.

10. At the time I ended my employment with Motorola, Vigilant had active contracts with government agencies in Illinois to provide access to the booking photo gallery and with technology to search it, including FaceSearch. Vigilant also had active contracts with government agencies outside Illinois to provide access to the booking photo gallery and with search technology, including FaceSearch. In addition, Vigilant had subcontracts with government prime contractors to provide government agencies, such as the FBI, with access to the booking photo gallery and with search technology, including FaceSearch.

11. Vigilant also developed other products, including Mobile Companion and LineUp, which utilize FaceSearch technology, to government agencies. When government agencies use Mobile Companion and LineUp, they are able to search the vendor supplied booking photo gallery in addition to any government provided booking photo gallery. Vigilant also provides LineUp to commercial (i.e., non-government) customers, but such commercial customers are not able to search or access in any way the booking photo gallery Vigilant makes available to government agencies; instead, a commercial customer is only able to search “watchlists” of photos that the commercial customer compiles itself.

12. During the time period from Vigilant’s assembly of the booking photo gallery beginning in September 2014, to the end of my employment with Motorola in May 2021, Vigilant

was at all times working as a government contractor for government agencies within and outside Illinois providing FaceSearch and the ability to search a booking photo gallery.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 8, 2021.

By:   
Todd Hodnett